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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,246

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Mitsutoshi Shinkai

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EXAMINER

EKPO, NNENNA NGOZI

ART UNIT

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,246	Applicant(s) SHINKAI, MITSUTOSHI	
	Examiner Nnenna N. Ekpo	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/13/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/13/2005, 10/22/2007, 12/21/2007 & 12/26/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on January 13, 2005, October 22, 2007, December 21, 2007 and December 26, 2007 has been considered by the examiner (see attached PTO-1449 form).

Drawings

3. **Figure 24** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 5-6, 9-19, 22-32, 35-45 and 48-56** are rejected under 35 U.S.C. 102(e) as being anticipated by Seki et al. (U.S. Patent No. 7,154,534).

Regarding **claims 5, 18, 31 and 44**, Seki et al. discloses a terminal (see fig 1, 200) comprising:

acquisition means for acquiring composition table data by communicating with a composition table providing apparatus that provides the composition table data containing items required for a production of a video program and a variety of information described on a per item basis (see col. 10, lines 50-62),

display control means for causing a display to display the composition table data acquired by the acquisition means (see col. 2, lines 27-33, col. 16, lines 34-37),

input information generating means for generating information to be inputted to an item of the composition table data (see col. 1, lines 10-14, col. 6, lines 28-34 and col. 16, lines 20-33), and

input information transmitting means for transmitting the input information to the composition table providing apparatus (see col. 6, lines 35-43).

Regarding **claims 6, 19, 32 and 45**, Seki et al. discloses everything claimed as applied above (see *claims 5, 18, 31 and 44*). The terminal further comprising composition table transmitting means for generating the composition table data

including the items required for the production of the video program, and transmitting the composition table data to the composition table providing apparatus (see col. 10, lines 50-62).

Regarding **claims 9, 22, 35 and 48**, Seki et al. discloses everything claimed as applied above (see *claims 5, 18, 31 and 44*). The terminal wherein the input information generating means generates the input information to an item relating to one of a content of a video gathered or produced (image captured), and a content of an audio gathered or produced, in the composition table data (see col. 11, lines 6-21).

Regarding **claims 10, 23, 36 and 49**, Seki et al. discloses everything claimed as applied above (see *claims 5, 18, 31 and 44*). The terminal wherein the input information generating means generates the input information to an item relating to editing of the composition table data (see col. 74, lines 19-25).

Regarding **claims 11, 24, 37 and 50**, Seki et al. discloses everything claimed as applied above (see *claims 5, 18, 31 and 44*). The terminal wherein the input information generating means generates the input information representing an end of the information inputting to the items required in the composition table data (see col. 3, lines 7-10).

Regarding **claims 12, 25, 38 and 51**, Seki et al. discloses everything claimed as applied above (*see claims 5, 18, 31 and 44*). The terminal wherein the input information generating means automatically generates the input information to the composition table data (see col. 11, lines 10-21).

Regarding **claims 13, 26, 39 and 52**, Seki et al. discloses everything claimed as applied above (*see claims 5, 18, 31 and 44*). The terminal wherein the input information generating means generates the input information to the composition table data in response to an input operation (see col. 6, lines 28-34).

Regarding **claims 14, 27, 40 and 53**, Seki et al. discloses everything claimed as applied above (*see claims 5, 18, 31 and 44*). The terminal wherein the acquisition means acquires only information relating to a part of the items of the composition table data (see col. 29, lines 40-51).

Regarding **claims 15, 28, 41 and 54**, Seki et al. discloses everything claimed as applied above (*see claims 5, 18, 31 and 44*). The terminal, further comprising recording means for recording the composition table data, acquired by the acquisition means, onto a recording medium (see col. 16, lines 14-19 and 62-67).

Regarding **claims 16, 29, 42 and 55**, Seki et al. discloses everything claimed as applied above (*see claims 5, 18, 31 and 44*). The terminal further comprising recording

means for recording, together with video data (motion pictures) and audio data (voice) (see col. 2, lines 47-48 and col. 3, lines 11-16), the composition table data, acquired by the acquisition means, onto a recording medium (see col. 16, lines 14-19 and 62-67).

Regarding **claims 17, 30, 43 and 56**, Seki et al. discloses everything claimed as applied above (*see claims 15, 28, 41 and 54*). The terminal, wherein the input information generating means generates input information for updating (add) the composition table data in the composition table providing apparatus in response to updating of the composition table data recorded on the recording medium (see col. 2, lines 54-56 and col. 18, lines 18-32).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. (U.S. Patent No. 7,154,534) in view of Enami (Image Processing in Program Production –DTTP: Desk Top Program Production).

3. Regarding **claim 1**, Seki et al. discloses a video program production system comprising a composition table (item list) providing apparatus, and a terminal (personal

computer) communicable with the composition table providing apparatus (see col. 10, lines 36-45 and fig 1),

wherein the composition table providing apparatus comprises: storage means for storing composition table data containing items required for a production of a video program and a variety of information described on a per item basis (see col. 2, lines 20-27 and figs 3A and 3B), and

wherein the terminal (see fig 1, 200) comprises:

acquisition means for acquiring the composition table data by communicating with the composition table providing apparatus (see col. 10, lines 36 and 50-52),

display control means for causing a display to display the composition table data acquired by the acquisition means (see col. 2, lines 27-33, col. 16, lines 34-37),

input information generating means for generating information to be inputted to an item of the composition table data (see col. 1, lines 10-14, col. 6, lines 28-34 and col. 16, lines 20-33), and

input information transmitting means for transmitting the input information to the composition table providing apparatus (see col. 6, lines 35-43).

However, Seki et al. fails to specifically disclose a plurality of terminal and control means for providing, for viewing, the composition table data to each of the terminals and processing information inputting from each of the terminals to the composition table data.

Enami discloses a plurality of terminal (see fig 1 (24)) and control means for providing, for viewing, the composition table data to each of the terminals and

processing information inputting from each of the terminals to the composition table data (see page 3, lines 4-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Seki et al.'s invention with the above mentioned limitation as taught by Enami for the advantage of easily and properly performing different task within video program production.

Regarding **claim 2**, Seki discloses a composition table providing apparatus comprising: storage means for storing composition table data containing items required for a production of a video program and a variety of information described on a per item basis (see col. 2, lines 20-27 and figs 3A and 3B).

However, Seki et al. fails to specifically disclose control means for providing, for viewing, the composition table data to each of communication terminals and processing information inputting from each of the terminals to the composition table data.

Enami discloses control means for providing, for viewing, the composition table data to each of the terminals and processing information inputting from each of the terminals to the composition table data (see page 3, lines 4-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Seki et al.'s invention with the above mentioned limitation as taught by Enami for the advantage of easily and properly performing different task within video program production.

Regarding **claim 3**, Seki et al. and Enami discloses everything claimed as applied above (see *claim 2*). Seki et al. discloses the composition table providing apparatus (see fig 1 (200) and fig 3A and 3B)). Enami discloses wherein, in response to inputting of particular information from one of the terminals to the composition table data, the control means performs a process of transmitting notice information to another terminal (see page 5, lines 21-page 6, line 5).

Regarding **claim 4**, Seki et al. and Enami discloses everything claimed as applied above (see *claim 2*). Seki et al. discloses the composition table providing apparatus (see fig 1 (200) and fig 3A and 3B)). Enami discloses wherein, in response to inputting of particular information from one of the plurality of terminals to the composition table data, the control means performs a process of transmitting notice information to another terminal (see page 5, lines 21-page 6, line 5).

4. **Claims 7-8, 20-21, 33-34 and 46-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. (U.S. Patent No. 7,154,534) as applied to *claims 5, 18, 31 and 44* above, and further in view of Enami (Image Processing in Program Production –DTTP: Desk Top Program Production).

Regarding **claims 7, 20, 33 and 46**, Seki et al. discloses everything claimed as applied above (see *claims 5, 18, 31 and 44*). Seki et al. discloses terminal with input

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information generating means (see col. 1, lines 10-14, col. 6, lines 28-34 and col. 16, lines 20-33).

However, Seki et al. fails to specifically disclose input information to an item relating to one of a material gathering instruction and a production instruction in the system.

Enami discloses input information to an item relating to one of a material gathering instruction and a production instruction (program production information) in the system (see page 3, lines 8-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Seki et al.'s invention with the above mentioned limitation as taught by Enami for the advantage of easily and properly performing different task within video program production.

Regarding **claims 8, 21, 34 and 47**, Seki et al. discloses everything claimed as applied above (see *claims 5, 18, 31 and 44*). Seki et al. discloses terminal with input information generating means (see col. 1, lines 10-14, col. 6, lines 28-34 and col. 16, lines 20-33).

However, Seki et al. fails to specifically disclose input information to an item relating to one of a material gathering instruction and a production instruction in the system.

Enami discloses input information to an item relating to one of a material gathering instruction and a production instruction (program production information) in the system (see page 3, lines 8-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Seki et al.'s invention with the above mentioned limitation as taught by Enami for the advantage of easily and properly performing different task within video program production.

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gonsalves et al. (U.S. Patent No. 6,571,255) discloses means for editing digital media.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne

March 14, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623